

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1798 be amended to read as follows:

- 1       Page 1, delete lines 13 through 14.
- 2       Page 1, line 15, delete "regulation under 327 IAC 15-13, the" and
- 3       insert "**The**".
- 4       Page 3, delete lines 25 through 42, begin a new paragraph and
- 5       insert:
- 6       "SECTION 4. IC 8-1.5-5-2 IS AMENDED TO READ AS
- 7       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this
- 8       chapter, "board" means the following:
- 9       (1) For a consolidated city, the board of public works established
- 10      by IC 36-3-5-6.
- 11      (2) For all other municipalities, the:
- 12          (A) board of directors described in section 4 of this chapter; or
- 13          (B) **board that controls the municipality's municipally**
- 14          **owned utilities under IC 8-1.5-3-3(a) if the municipality**
- 15          **has adopted an ordinance under IC 8-1.5-3-3(a) that**
- 16          **provides for the control of any or all of the municipality's**
- 17          **storm water facilities by the board that controls the**
- 18          **municipality's municipally owned utilities.**
- 19      (3) **For a county:**
- 20          (A) **the county executive; and**
- 21          (B) **the county surveyor (or the county surveyor's**
- 22          **designee), who is a nonvoting member."**
- 23      Page 4, delete lines 1 through 3.
- 24      Page 5, delete lines 18 through 42, begin a new paragraph and
- 25      insert:
- 26      "SECTION 7. IC 8-1.5-5-4.5 IS ADDED TO THE INDIANA CODE
- 27      AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
- 28      UPON PASSAGE]: **Sec. 4.5. (a) This section applies to a county.**
- 29          **(b) If the county executive adopts the provisions of this chapter**
- 30          **by ordinance, a department of storm water management is**
- 31          **established and is controlled by a board of directors.**

1 (c) An ordinance adopted under this section shall provide for  
2 the appointment of:

3 (1) the members of the county executive; and

4 (2) the county surveyor (or the county surveyor's designee),  
5 who is a nonvoting member;

6 as the board of directors of the department. The term of office of  
7 a member of the board who is appointed from the membership of  
8 the county executive is coextensive with the member's term of  
9 office on the county executive. The term of the surveyor or the  
10 surveyor's designee as a member of the board is coextensive with  
11 the surveyor's term of office.

12 (d) A member of the board of directors is not entitled to a salary  
13 or per diem for serving as a member of the board of directors.  
14 However, a member shall be reimbursed for necessary expenses  
15 incurred by the member in the performance of official duties."

16 Page 6, delete lines 1 through 3.

17 Page 6, delete lines 26 through 42, begin a new paragraph and  
18 insert:

19 "SECTION 9. IC 8-1.5-5-6 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a)~~ The board  
21 has the powers and duties prescribed by IC 8-1.5-3-4(a). In addition,  
22 the board may:

23 (1) hold hearings following public notice;

24 (2) make findings and determinations;

25 (3) install, maintain, and operate a storm water collection and  
26 disposal system;

27 (4) make all necessary or desirable improvements of the grounds  
28 and premises under its control; and

29 (5) issue and sell bonds of the district in the name of the  
30 ~~municipality~~ **unit served by the department** for the acquisition,  
31 construction, alteration, addition, or extension of the storm water  
32 collection and disposal system or for the refunding of any bonds  
33 issued by the board.

34 ~~(b) The board has exclusive jurisdiction over the collection and~~  
35 ~~disposal of storm water within the district."~~

36 Page 7, delete lines 1 through 3.

37 Page 7, line 16, after "a" insert "**public**".

38 Page 7, line 16, after "hearing" insert "**with notice given under**  
39 **IC 5-3-1**".

40 Page 9, delete lines 18 through 42, begin a new paragraph and  
41 insert:

42 "SECTION 13. IC 8-1.5-5-16 IS AMENDED TO READ AS  
43 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) **This**  
44 **section applies to a municipality.**

45 (b) The reasonable cost and value of any service rendered to the  
46 municipality by the storm water system by furnishing storm water  
47 collection and disposal shall be:

- (1) charged against the municipality; and  
 (2) paid for in monthly installments as the service accrues out of:  
 the:

(A) the current revenues of the municipality, collected or in process of collection; and or

(B) the tax levy of the municipality made by it to raise money to meet its necessary current expenses.

(b) (c) The compensation for the service provided to the municipality shall, in the manner prescribed by this chapter, be treated as revenues of the system and paid into the funds created under this chapter.

SECTION 14. IC 8-1.5-5-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.5. (a) This section applies to a county.**

**(b) The reasonable cost and value of any service rendered to the county by the storm water system by furnishing storm water collection and disposal shall be:**

**(1) charged against all the territory in the county, except territory within a municipality; and**

**(2) paid for as the service accrues out of:**

**(A) the current revenues of the county, collected or in process of collection; or**

**(B) the tax levy of the county made by the county to raise money to meet the county's necessary current expenses.**

**(c) The compensation for the service provided to the county shall, in the manner prescribed by this chapter, be treated as revenues of the system and paid into the funds created under this chapter."**

Page 10, delete lines 1 through 24.

Page 12, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 20. IC 36-9-27-114 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 114. (a) This section applies to a county that:**

**(1) receives notification from the department of environmental management that the county will be subject to regulation under 327 IAC 15-13; and**

**(2) has not adopted an ordinance to adopt the provisions of IC 8-1.5-5.**

**(b) As used in this section, "storm water improvements" means storm sewers, drains, storm water retention or detention structures, dams, or any other improvements used for the collection, treatment, and disposal of storm water.**

**(c) The drainage board of a county may establish fees for services provided by the board to address issues of storm water**

1 quality and quantity, including the costs of constructing,  
 2 maintaining, operating, and equipping storm water improvements.

3 (d) Fees established under this chapter after public hearing with  
 4 notice given under IC 5-3-1 are presumed to be just and equitable.

5 (e) The fees are payable by the owner of each lot, parcel of real  
 6 property, or building that uses or is served by storm water  
 7 improvements that address storm water quality and quantity.  
 8 Unless the board finds otherwise, the storm water improvements  
 9 are considered to benefit every lot, parcel of real property, or  
 10 building that uses or is served by the storm water improvements,  
 11 and the fees shall be billed and collected accordingly.

12 (f) The board may use one (1) or more of the following factors  
 13 to establish the fees:

14 (1) A flat charge for each lot, parcel of property, or building.

15 (2) The amount of impervious surface on the property.

16 (3) The number and size of storm water outlets on the  
 17 property.

18 (4) The amount, strength, or character of storm water  
 19 discharged.

20 (5) The existence of improvements on the property that  
 21 address storm water quality and quantity issues.

22 (6) The degree to which storm water discharged from the  
 23 property affects water quality in the district.

24 (7) Any other factors the board considers necessary.

25 (g) The board may exercise reasonable discretion in adopting  
 26 different schedules of fees, or making classifications in schedules of  
 27 fees, based on:

28 (1) variations in the costs, including capital expenditures, of  
 29 addressing storm water quality and quantity for various  
 30 classes of users or for various locations;

31 (2) variations in the number of users in various locations; and

32 (3) whether the property is used primarily for residential,  
 33 commercial, or agricultural purposes."

34 Delete page 13.

35 Page 14, delete lines 1 through 12.

36 Renumber all SECTIONS consecutively.

(Reference is to EHB 1798 as printed March 26, 2003.)

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Senator GARD